

REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on February 21, 2003. Claims 1-20 are standing for examination.

In the Office Action the Examiner has maintained the rejection of claims 1-2, 6-7 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (U.S. 5,983,218), hereinafter Syeda. Claims 3-5, 8-15, and 18-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda in view of Goetz, of record.

The Examiner has kindly provided a lengthy "Response to Arguments" portion in the Office Action. Applicant herein addresses said portion providing rebuttal to the Examiner's responses to applicant's arguments presented in the previous response filed November 12, 2002.

Regarding claim 16, applicant argued that the Examiner is still not acknowledging that applicant's claim 16 is a method for assembling an Interactive Multimedia Application (IMA). The IMA of applicant's invention actually interfaces with a database. Syeda does not teach a method for assembling an application for accessing various databases. Syeda teaches an application for accessing a database. Applicant points out that applicant's invention, and that of Syeda are not structurally in the same context.

The Examiner responds to the above arguments stating that Syeda teaches an application for accessing a database and also teaches assembling an Interactive Media Application (IMA) which interfaces with a database (col. 5, line 20 to col. 6, line 42). The Examiner reproduces the referenced paragraph of Syeda offering no further explanation of how said paragraph reads on applicant's claimed limitation. Applicant reproduces said paragraph from Syeda below, (emphasis

added as in the Examiners representation).

"At the second level 4 the database sites are categorized based on the query type at the earlier level will be further grouped based on scope relevancy data for handling image content-based queries. Specifically, techniques in image-based query similarity detection are combined with statistical techniques used in text-based resource discovery systems so that indexing based on query image content yields a ranked list of database sites. This scheme allows several methods of *representation of the database sites at the second level including multimedia icons and prototypical models of objects*. Using this approach, the Web server will assemble the meta-database as follows. Given a set of databases at web sites, an initial meta-database is constructed from structured query templates returned by the individual databases. *These templates can be periodically updated by the databases (as their capabilities change) and relayed to the web server for updation of the meta-database.* The initial categorization of databases in the meta-database is used to direct queries to relevant sites. A record of responses returned and the associated queries are used by the refining module to periodically cluster the query data patterns (could be 2d textures, 2d objects, or video segments) into salient groups based on content similarity, and to update the possible relevance of databases."

Applicant argues that Syeda does not teach an IMA as disclosed and claimed, nor a method for assembling said IMA. Applicant points out that the paragraph is describing the second level of meta-database 4. Applicant argues that Syeda discloses that meta-database 4 is generated from database sites 8. Meta-database 4 of Syeda is not an Interactive Multimedia Application (IMA) as claimed. The first italicized portion emphasized by the Examiner recites; "*representation of the database sites at the second level including multimedia icons and prototypical models of objects*." Applicant is confused as to how this portion relates to assembling an IMA. Applicant argues that this teaching merely states that the representation of database sites in meta-database 4 are represented

by multimedia icons and prototypical models of objects. Applicant points out that databases as known in the art cannot be referred to as applications or software modules.

The Examiner also emphasizes the portion of said paragraph reciting; "the Web server will assemble the meta-database as follows. Given a set of databases at web sites, an initial meta-database is constructed from structured query templates returned by the individual databases." Applicant argues that the meta-database that the Web server assembles from structured query templates returned by individual databases 8, are not applications or software modules as claimed. In applicant's invention the Interactive Multimedia **Application** includes software modules for viewing. A meta-database is not an application nor a software module as known in the art. Applicant also points out that the templates, as described in Syeda, are not applications or software modules.

Next, the Examiner emphasizes the portion of said paragraph stating that; "*These templates can be periodically updated by the databases (as their capabilities change) and relayed to the web server for updation of the meta-database. The initial categorization of databases in the meta-database is used to direct queries to relevant sites. **A record of responses returned and the associated queries** are used by the refining module to periodically cluster the query data patterns (could be 2d textures, 2d objects, or video segments) into salient groups based on content similarity, and to update the possible relevance of databases.*"

Applicant argues that the templates are updated by individual databases 8. The categorization of databases in the meta-database has absolutely no relevance to assembling an application using software modules as claimed. Again, applicant stresses that databases are not applications nor are they software modules. Databases are a collection of organized, related data, especially one in electronic form that can be accessed and manipulated by specialized computer software (*definition from Random House Webster's College Dictionary © 1991 by Random*

House Inc. New York). Applicant points out that applicant's invention specifically teaches and recites claims for assembling an application (computer software) for accessing databases. The Examiner must therefore provide prior art that not only has software for accessing a database, but a method for assembling the application or software, using individual software modules as claimed. Applicant argues that the Examiner has failed to provide said prior art, therefore, the a prima facie case for obviousness has not been shown. Applicant further points out that Syeda also fails to disclose a Multimedia Communication Center environment as clearly stated in the preamble of applicant's claim 16.

Applicant previously argued that the Examiner is not examining applicant's claim language in light of the specification provided, or plain meaning of the limitations claimed. Applicant argues that Syeda's ability to eliminate duplicates of retrieved files from a database before sending to a user cannot read on applicant's claimed ability of limiting access to preselected multimedia files. The Examiner states that the duplications which are eliminated by editing are *preselected multimedia files* since these multimedia files are *selected prior* to being eliminated. Applicant argues that the Examiner's reasoning demonstrates that he is not properly understanding what is being claimed. Applicant claims restricting access to files in the database holding said files. Syeda teaches eliminating files that have been accessed and retrieved (Syeda col. 6, lines 52-55 col. 7 lines 61-64). Applicant believes the Examiner is misinterpreting the limitations being claimed in applicant's invention.

The Examiner responds to the above argument stating that eliminating duplicate files limits the file access to only one of the two files. Applicant strongly emphasizes to the Examiner that the duplicate files must be accessed from the database BEFORE Syeda's system can eliminate one of them. Applicant respectfully argues that applicant's claim language specifically recites restricting access by the IMV to preselected multimedia files. Applicant believes this limitation can be fairly interpreted as restricting access to the computer

software (IMV) to preselected files. Syeda does not restrict access, only eliminates duplicate files that have already been accessed and retrieved.

Applicant points out that this Response is the ninth such response in the prosecution of the present case, and the Examiner is still not acknowledging that applicant's claim 16 is a method for assembling an Interactive Multimedia Application (IMA).

After submitting this response to the Examiner Applicant may wish to make a phone appointment with the Examiner and his supervisor, if necessary, to better clarify Applicant's claimed invention. Applicant believes that once the Examiner fully understands the full scope of Applicants invention it will be passed quickly to issue.

In view of applicant's above, and previous arguments presented on behalf of claim 16, applicant strongly believes claim 16 is patentable over the prior art. Claims 17-19 are then patentable on their own merits, or at least as depended from patentable claim.


The Examiner maintains the rejection of apparatus claim 1 based on the reasoning applied to method claim 16. Applicant believes that in view of applicant's above arguments on behalf of claim 16, and that claim 1 recites substantially the limitations of claim 16, including the meaning and functions of those limitations, claim one is also clearly and unarguably patentable over prior art. Claims 2-5 are then patentable on their own merits, or at least as depended from a patentable claim.

Applicant's claim 6 recites a programming application for creating an interactive media application in accordance with embodiments of the present invention as claimed in claims 1 and 11, and is therefore also patentable in view of the above facts and arguments presented by applicant. Claims 7-10 are then patentable on their own merits or at least as depended from a patentable claim.

As all of the claims standing for examination as amended have been shown to be patentable over Syeda, applicant respectfully requests reconsideration

and that the present case be passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
Christopher Clemmett Macleod Beck et al.

by 
Donald R. Boys

Reg. No. 35,074

Donald R. Boys
Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457